



South Carolina Office of Attorney General

Fiscal Year 2004-2005 Agency Accountability Report

## SECTION I

### **Executive Summary**

#### **1. Mission and Values**

**Mission:** The Attorney General, through his Office, fulfills a multi-purpose mission on behalf of the State and its citizens. As chief prosecutor, he renders the following services: He (1) oversees the activities of the State Grand Jury, including the prosecution of multi-jurisdictional drug offenders, multi-county pornography, public corruption, election fraud, computer crime violations, terrorism, security fraud, and environmental crimes; 2) prosecutes all cases of insurance fraud; (3) investigates and prosecutes cases of Medicaid fraud by both providers and recipients; (4) prosecutes cases of patient abuse; (5) operates a program that trains pro bono private attorneys to prosecute criminal domestic violence cases; 6) through two federal grants, prosecutes in State courts defendants accused of criminal domestic violence in both urban and rural counties; (7) prosecutes cases of Internet crimes against children, including those involving sexual exploitation; (8) investigates and prosecutes those accused of involvement in the illegal sport of animal fighting and related crimes; (9) represents the State of South Carolina in criminal cases when defendants file for Post Conviction Relief and when they appeal their convictions; (10) assists the victims of crimes in claiming the benefits guaranteed under the State's Victims Bill of Rights; (11) sponsors a Youth Mentor Program designed to prevent juvenile crime and rescue at-risk youngsters before they commit violent offenses; and (12) under the Attorney General's authority, the state prosecutes violators of State tax laws.

As the Chief Legal Officer for the State of South Carolina, the Attorney General also has important responsibilities in the area of civil law. When the State is a party to a law suit, either as plaintiff or defendant, attorneys in this division may represent and advise the State, its agencies, and its officials in civil lawsuits. The Office represents the State in civil proceedings against dangerous sex offenders for commitment under South Carolina's Sexually Violent Predators statute. Staff members also investigate and prosecute grievance complaints filed against attorneys and judges. The Attorney General serves as the S.C. Securities Commissioner, provides information on securities laws and practices, and investigates allegations of fraud or other violations of securities laws and takes appropriate enforcement action; and, through his staff, he handles the registration of all persons engaged in the sale of securities in the State of South Carolina.

The Office maintains official liaison with the General Assembly and researches, writes, and issues opinions when requested by certain state and local officials.

**Values:** In addition to encouraging those values prized by society at large -- honesty, respect for others, compassion,

responsibility -- the Attorney General's Office has a special commitment to maintain the highest standards of professional conduct demanded by the legal community. The primary activities of the Office are prosecution and litigation, and its staff is composed largely of attorneys and their support personnel. Therefore, the values that set the Attorney General's Office apart from other State agencies pertain to the practice of law. These include: respect for the legal system, an impartial administration of justice, an adherence to prescribed timetables, and diligence in preparation.

The Attorney General's Office also values service to the people of the State. In addition to maintaining the highest legal standards, the Office is also responsible and responsive to the citizens of South Carolina -- its most frequently served customers. To satisfy these customers through courteous and efficient service, the Office of the Attorney General maintains a Constituent Services staff whose members provide answers to questions, solve problems, and direct callers to the staff member or State agency best qualified to serve the constituent. The Attorney General oversees the work of his Office, as determined by schedules and deadlines set by the court.

## ***2. Major Achievements from Past Year***

The major achievements of the Attorney General's Office during FY 2004-2005 include the following, a detailed summary of which can be found in Section III, Category 7: (1) An expansion of the Pro Bono Domestic Violence Prosecution, which resulted in an increase of prosecutions from 441 to 861; the investigation and prosecution of the largest investor-fraud case in the state's history; the solicitation and implementation of a \$100,000 grant from CHPA to monitor the sale of ingredients used in the manufacture of methamphetamine; the collection of **\$19,984,822** in fees, fines, and general revenue; an increase in prosecutions of insurance fraud; an increase in insurance and securities prosecutions; the conviction of a major promoter of the inhumane practice of dog fighting; and the gaining of legislative authority for the State Grand Jury to prosecute environmental crimes.

## ***3. Key Strategic Goals for Present and Future Years***

Some of the key strategic goals the Attorney General established last year for FY 2003-2004 were achieved during the fiscal year, while others are still pending. Those ongoing goals are: the expansion of our program to prosecute child exploitation on the Internet; the expansion of our Pro Bono Program for the prosecution of criminal domestic violence offenders; and the hiring of a full-time prosecutor for combating dog fighting.

***Those Goals That Have Been Put on Hold*** -- No goals have been put on hold. However, some have been put on a slow track as the consequence of budgetary restraints. For example, we would like to expand the Pro Bono Prosecution program into every one of the

46 counties. However, state funding has not been available. Therefore we obtained federal funding to expand the program into seven additional counties.

#### **4. Opportunities and Barriers**

**Opportunities:** The goals listed above represent opportunities for the Office to render greater service to the people of South Carolina.

Now that the State Grand Jury is empowered to prosecute environmental crimes, South Carolina has a new weapon in combating the pollution of the state's natural resources.

The addition of attorneys and other staff members to the State Grand Jury should enable the Office to investigate and prosecute securities violations more effectively under new legislation just passed.

The Attorney General believes that the recent addition of a Unit to investigate and prosecute the inhumane practice of dog fighting will provide the Office with an opportunity to help eliminate this brutal sport.

**Barriers:** The only barrier to opportunities is the time and resources necessary to implement our programs and ideas.

#### **How the accountability report is used to improve organizational performance.**

In preparing this year's Accountability Report, we compared our stated goals in 2003-2004 with our actual achievements in 2004-2005 and were pleased to note that we had made progress on almost all fronts.

We also compared the Table of Accomplishments in the current report with last year's Table to determine where we had exceeded previous achievements and where we had fallen short. In identifying those categories where we had fallen short, we were compelled to seek explanations, which in turn helped us to evaluate the efficiency of the Office.

## **SECTION II** **Business Overview**

**1. Number of Employees:** At the end of June, the Attorney General's Office employed 146 full-time employees and 11 part-time law clerks.

**2. Operation Locations:** The Attorney General's offices occupy the three top floors of the Rembert C. Dennis Building and Room G-8, John C. Calhoun Office Building, both in Columbia, South Carolina.

**3. Expenditures/Appropriations Chart:** See attached

**4. Major Programs Areas Chart:** See attached

## Accountability Report Appropriations/Expenditures Chart

### Base Budget Expenditures and Appropriations

Major Budget Categories	03-04 Actual Expenditures		04-05 Actual Expenditures		05-06 Appropriations Act	
	Total Funds	General Funds	Total Funds	General Funds	Total Funds	General Funds
Personal Service	\$6,202,234	\$4,653,827	\$5,979,096	\$4,044,708	6,862,700	\$4,870,967
Other Operating	\$2,365,121	\$544,644	\$2,564,107	\$0	2,575,054	\$331,308
Special Items	\$	\$	\$	\$	\$	\$
Permanent Improvements	\$	\$	\$	\$	\$	\$
Case Services	\$	\$	\$	\$	\$	\$
Distributions to Subdivisions	\$	\$	\$	\$	\$	\$
Fringe Benefits	\$1,652,644	\$1,242,183	\$1,656,796	\$1,173,919	\$1,836,946	\$1,317,203
Non-recurring	\$	\$		\$	\$	\$
<b>Total</b>	<b>\$10,219,999</b>	<b>\$6,440,654</b>	<b>\$10,199,974</b>	<b>\$5,743,061</b>	<b>\$11,274,700</b>	<b>\$6,519,478</b>

### Other Expenditures

Sources of Funds	03-04 Actual Expenditures	04-05 Actual Expenditures
Supplemental Bills	\$	\$
Capital Reserve Funds	\$	\$
Bonds	\$	\$

## Major Program Areas

Program Number and Title	Major Program Area Purpose (Brief)	FY 03-04 Budget Expenditures	FY04-05 Budget Expenditures	Key Cross References for Financial Results*
I. State Litigation	The Attorney General is the State's Chief Prosecutor. The office directs supervises and prosecutes criminal cases on behalf of the State and conducts all direct and post conviction appeals on behalf of the State.	<b>State:</b> 3,618,427.59 <b>Federal:</b> 1,091,474.91 <b>Other:</b> 999,538.43 <b>Total:</b> 5,709,440.93 <b>% of Total Budget:</b> 56%	<b>State:</b> 3,316,628.88 <b>Federal:</b> 1,170,549.63 <b>Other:</b> 1,241,376.48 <b>Total:</b> 5,728,554.99 <b>% of Total Budget:</b> 52%	
I. State Litigation	The Civil Division of the Attorney General's Office is divided into the following sections: The Government Litigation Section, the Grievance Section, and the Sexually Violent Predator Section. The Civil Division seeks to provide accurate and timely legal advice which serves public policy through consultation and representation.	<b>State:</b> 998,115.20 <b>Federal:</b> 0.00 <b>Other:</b> 368,265.14 <b>Total:</b> 1,366,380.34 <b>% of Total Budget:</b> 13%	<b>State:</b> 914,866.37 <b>Federal:</b> 0.00 <b>Other:</b> 457,366.79 <b>Total:</b> 1,372,233.16 <b>% of Total Budget:</b> 12%	
I. State Litigation	The Securities Division oversees the registration of all persons engaged in the sale of securities, investigates allegations of fraud or other violations of securities laws and takes appropriate enforcement action.	<b>State:</b> 0.00 <b>Federal:</b> 0.00 <b>Other:</b> 672,951.78 <b>Total:</b> 672,951.78 <b>% of Total Budget:</b> 7%	<b>State:</b> 0.00 <b>Federal:</b> 0.00 <b>Other:</b> 1,537,054.43 <b>Total:</b> 1,537,054.43 <b>% of Total Budget:</b> 14%	-
I. State Litigation	The Administrative Division provides support and planning services. The Division is divided into 6 Sections -- Executive Office, Human Resources, Support Services, Finance, and Information Technology, and Constituent Services.	<b>State:</b> 1,455,806.57 <b>Federal:</b> 0.00 <b>Other:</b> 647,116.15 <b>Total:</b> 2,102,922.73 <b>% of Total Budget:</b> 21%	<b>State:</b> 1,334,383.51 <b>Federal:</b> 0.00 <b>Other:</b> 803,685.73 <b>Total:</b> 2,138,069.24 <b>% of Total Budget:</b> 19%	
I. State Litigation	The Opinions Section provides statutorily required formal legal advice to the Governor, General Assembly, and State Officers. As a policy, local government officers are also provided advice on issues of statewide applicability.	<b>State:</b> 370,664.64 <b>Federal:</b> 0.00 <b>Other:</b> 0.00 <b>Total:</b> 370,664.64 <b>% of Total Budget:</b> 4%	<b>State:</b> 339,748.97 <b>Federal:</b> 0.00 <b>Other:</b> 0.00 <b>Total:</b> 339,748.97 <b>% of Total Budget:</b> 3%	

<b>Remainder of Expenditures:</b>	<b>State:</b> <b>Federal:</b> <b>Other:</b> <b>Total:</b> <b>% of Total Budget:</b>	<b>State:</b> <b>Federal:</b> <b>Other:</b> <b>Total:</b> <b>% of Total Budget:</b>
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\* Key Cross-References are a link to the Category 7 - Business Results. These References provide a Chart number that is included in the 7th section of this document.

**5. Key Customers and Product:** The primary customers of the Office are: the citizens of South Carolina; agencies of the State government; members of the S.C. General Assembly, local and county officials; law enforcement and judiciary officers; and the local, state, and national press. The Attorney General serves these customers in many ways, including the following: (1) he represents them in civil actions, suing on behalf of the State as well as representing the State when it becomes the defendant in a lawsuit; (2) he is the State's chief prosecutor and prosecutes accused offenders in criminal cases where the State has jurisdiction; (3) when requested to do so by state and local officials, he writes and issues opinions on legal and constitutional questions; (4) he drafts legislation designed to strengthen the criminal justice system and enhance the safety of South Carolina's citizens; and (5) he serves as South Carolina's Securities Commissioner and is responsible for the protection of the state's investors against securities fraud and unfair trade practices in the stock and bond markets.

**6. Key Stakeholders:** The key stakeholders are the people of South Carolina, the General Assembly, and the state and federal court systems.

**7. Key Suppliers:** The five key suppliers of the Office are: **Divisions of the South Carolina Budget and Control Board**, from which the Office obtains a wide variety of items, including paper products and other office supplies. In addition, the Budget and Control Board supplies motor vehicles and vehicle maintenance. **West Group**, from which the Office obtains law books and a subscription to WestLaw, an online legal database. **Xerox**, from which the Office obtains its copiers through a state contract. **Randstad**, from which the Office obtains its temporary employees. **U.S. Postal Service**, which handles the Office's huge volume of mail.

**8. Organizational Structure:** The following is a list and description of our key products/services. A detailed description of these divisions, sections, sub-sections, and programs can be found on pages 25-35 of this report.

**THE SECURITIES DIVISION** -- The Attorney General serves as the state's Securities Commissioner, and the Securities Division assists the Attorney General in carrying out his duties in this area. These include providing information on securities laws and practices, investigating allegations of fraud or other violations of securities laws, prosecuting offenders, and the registration of brokers, dealers, and securities.

**THE CIVIL DIVISION** -- As the state's Chief Legal Officer, the Attorney General's Office has important responsibilities in the area of civil law as well as in the area of criminal law. When the State is a party to a law suit, either as plaintiff or defendant, attorneys in this division may represent and advise

the State, its agencies, and its officials in civil lawsuits. The Civil Division represents the State in such areas as constitutional law, extradition, charitable trusts, election law, reapportionment, contracts, unfair trade practices, anti-trust suits, complaints against lawyers and judges, and foreclosures where the State has an interest. Also a part of the Civil Division, the Sexually Violent Predator Section of the Attorney General's Office represents the State in civil trials and presents the case for commitment. The Section also handles all annual review proceedings for individuals committed under the statute.

**THE CRIMINAL DIVISION** - As the state's Chief Prosecutor, the Attorney General's Office is charged with representing the interests of the State in some specific areas of criminal litigation. The Criminal Division is divided into seven sections, three sub-sections, and three programs. The sections are: Capital and Collateral Litigation Section, the Medicaid Fraud Control Section, the Criminal Appeals Section, the Post-Conviction Relief Section, the Internet Crimes Against Children Section, the Prosecution/Insurance Fraud Section, and the State Grand Jury. The sub-sections are: The Violence Against Women Sub-Section, the Office of Victim Services, and the Pro Bono Domestic Violence Sub-Section. The programs are: The Rural Domestic Program, the Youth Mentor Program, and the South Carolina Meth Watch Program.

**THE ADMINISTRATIVE DIVISION** -- The Administrative Division provides support and planning services essential to the efficient operation of the Office. These services include: space planning and construction, resource allocation, drug testing, law library, records, coordination of security, visitor and telephone reception, and building services. The Division is divided into four Sections -- Human Resources, Library, Support Services, and Records.

**THE FINANCE DIVISION** -- The Finance Division prepares the budget, receives and disburses funds, manages the cash flow of the Office, and prepares applications for grants. The staff of the Finance Division solicits grants to support programs administered by the Attorney General's Office. Such grants help defray the cost of key services that benefit the people of South Carolina.

**The State Grand Jury Clerk's Office** -- This office serves the State Grand Jury as a clerk of court's office serves a general sessions court, maintaining all records relevant to the conduct of trials and legal matters under the jurisdiction of the State Grand Jury.

**INFORMATION TECHNOLOGY DIVISION** -- The Information Technology Division serves a number of constituencies, including the people of South Carolina, law enforcement agencies, public officials, and the staff of the Attorney General's Office. The Division's



services include the development and maintenance of the Attorney General's website; manages the agency's Intranet site, MYAG; provides each employee with a PC; maintains all Office hardware, including: office computers, printers, scanners, fax machines, and other in-house technology; maintains office software, and provides instruction in the use of computers and the Intranet.

**STAKEHOLDER RELATIONS** -- The Stakeholder Relations staff acts as a liaison between the Attorney General, the Office, Office, and its various stakeholders, which include the citizens of South Carolina, members of the General Assembly and other elected officials, representatives of the media, state agencies, and officials from other states and the federal government. Staff members answer inquiries from the general public and provide assistance. They also provide the media with information about the activities of the Attorney General and members of his staff.

**THE OPINIONS DIVISION** -- One of the more important functions of the Attorney General's Office is providing legal advice to the Governor, members of the General Assembly and other public officials. Often this advice is given in the form of a written opinion. Opinions dealing with matters of significance to South Carolinians statewide are reviewed and signed by the Attorney General. Other opinions are signed by staff members of the Opinions Division.

### **Organizational Structure**

The Office has developed a hybrid organizational structure. Its divisions and subdivisions are based on actual operations rather than on an abstract model. Thus, while a system of formal reporting is in place, interaction is often informal -- based on the strong personal relationships that exist between staff members, their supervisors, the Chief Deputy Attorney General, and the Attorney General.

**Organization Chart: See attached**

## **SECTION III**

### **1. Leadership**

**1. How do senior leaders set, deploy, and ensure two-way communication?**

(a) Short and long term direction?

The Attorney General meets regularly with his Chief Deputy and Division Directors to inform them of both his short and long-term goals and to seek their advice on strategies to achieve

# The Honorable Henry McMaster

Attorney General

**Gene McCaskill**  
Senior Executive Asst  
Amy Colquitt, Dir. Constituent Svc

**John McIntosh**  
Chief Deputy AG  
Deborah Staberg, Admin Asst.

**Trey Walker**  
Chief Executive Asst  
**Public Relations**  
Mark Plowden, Dpty. Comm Director  
Brian Haskins, Public Relations Clerk, T

**Garden Frampton**  
Exec Asst

**Securities Division**

Steve Lynch, Dep. AG

Thresechia Navarro, Admin Asst

Roland Corning, Asst Dep  
Scott Hullstrand, AAG  
Tracy Meyers, AAG  
Eric Pantsari, Chf Sec Exam  
Robb McBurney, Enforcmnt Spec  
Jim Parks, Enforcement Spec  
Tommy Windsor, Enforcmnt Spec  
Sara Austin, Auditor  
Patricia Simmons, Paralegal  
Lisa Lomas, Inv Adv Regr  
Teresa Lake, Sec Regr  
Hugh DuBose, Law Clerk, T

**Civil Division**

**Gov Litigation**

Emory Smith, Asst Dep  
Parkin Hunter, AAG  
Elizabeth McMahon, AAG  
Breon Walker, AAG  
Rita O'Neal, Leg Asst  
Peggy Self, Leg Asst

**Consumer Protection  
& Antitrust**

Sonny Jones, SAAG  
Frances DeBerry, Paralegal

**Grievances**

Rob Bogan, Asst Dep  
Jay Evans, Spec Inv  
Thomas Holliday, Spec Inv  
Larry Huffstetler, Spec Inv  
Susan Ballington, Adm. Asst

**Sexual Violent Pred.**

*(Deborah Shupe, Supv.)*  
Westy Clarkson, AAG  
David Stumbo, AAG  
Chandra Young, Leg Asst  
Allen Wham, Law Clerk, T

**Criminal Division**

**Capital & Collateral  
Litigation**

Don Zelenka, Chief  
Ed Salter, SAAG  
Melody Brown, AAG  
Jeffery Jacobs, AAG  
Derrick McFarland, AAG  
Creighton Waters, AAG  
Elaine Shirley, Paralegal  
Lonnie Brawley, Admin Asst  
Lillie Blume, Leg Asst  
Hazel Fox, Leg Asst

**Medicaid**

Bill Gambrell, Asst Dep  
Ken Moore, SAAG  
Scott Beck, AAG  
Teresa Shealy, AAG  
Jimmy Bagnall, Chief Inv  
Harry Bracy, Chief Inv  
David Addison, Spec Inv  
Kyle Mitchum, Spec Inv  
David Pointer, Spec Inv  
Tom Quin, Auditor  
Lucy Robinson, Spec Inv  
Frances Covar, Admin Asst  
Lee Teed, Leg Asst.  
Ava Thomas, Leg Asst  
Nathaniel Bax, Law Clerk, T  
**Internet Crimes**  
*(Deborah Shupe, Supv.)*  
Debra Tedeschi, AAG  
Chip Payne, Prog Coord

**Criminal Appeals**

Salley Elliott, Chief  
Harold Coombs, SAAG  
Mark Rapoport, SAAG  
Deborah Shupe, AAG  
David Spencer, AAG  
Sabrina Todd, AAG  
Kathy Scott, Admin Asst  
Karen Farrell, Leg Asst

**PCR**

Arie Bax, AAG  
Molly Crum, AAG  
Paula Magargle, AAG  
Christopher Newton, AAG  
Karen Ratigan, AAG  
Julie Thames, AAG  
Carolyn Murphy, Paralegal  
Judy Carey, Legal Asst  
Jean Indriago, Leg Asst  
Gianandrea Maoli, Leg Asst  
Anne Mueller, Leg Asst  
Lisa Suber, Leg Asst  
Brooke Gambill, Leg Asst  
Judy Abstance, PCR Clerk, T  
Tommy McGrath, PCR Clerk, T  
Lance Boozer, Law Clerk, T  
Benjamin Davis, Law Clerk, T  
Edward Rawl, Law Clerk, T

**State Grand Jury  
Pros/Ins Fraud**

Jennifer Evans, Chief

Jim Bogle, SAAG  
Joel Deason, AAG  
William Frick, AAG  
Stephen Kodman, AAG  
Allen Myrick, AAG  
Troup Partridge, AAG  
Curtis Pauling, AAG  
Jason Peavy, AAG  
Susan Porter, AAG  
Tav Swarat, AAG  
Alice Douglas, Paralegal  
Kia Goins, Paralegal  
Sidney Nash, Forensic Aud  
Tom Landess, Prog Coord  
Linda Rea, Secy Supr  
Miranda Young, Admin Asst  
Kaye Fusaro, Leg Asst  
Frances Griffin, Leg Asst  
Deborah Robinson, Leg Asst  
Nancy Smith, Leg Asst  
Bo Haynes, Fin. Aud, C  
Charles Appleby, Law Clerk, T

**Medicaid Recipient  
Fraud**

DeWayne Pearson, AAG  
Dan Meyer, Inv  
Michael Williams, Inv  
Miles Rawl, Inv  
Andrea McGavin, Leg Asst  
Sally Kolb, Law Clerk, T

**Violence Against  
Women**

Teri Salane, AAG  
Alexandra Chase, Prog Coord  
Tom Landess, Prog Coord  
Angela Brown, Tech Asst

**Victim Services**

Sandi Wofford, Dir  
Trisha Allen, V. Svcs Coun.  
Marie Higgins, V. Svcs Spec.

**Youth Mentor  
Program**

Josh Lorick, Dir  
Sonia Bruce, Prog Coord, C  
Mariscia Cooper, Prog Coord, C  
James Smith, Prog Coord, C

**Administration  
Division**

Jack Bryan, Dir  
Jean Clifton, Admin Asst  
Marian Dunlop, Recep

**Human Resources**

Tammie Wilson, HR Mgr  
Wilma Goins, HR Spec  
Brenda Reiser, Benefits Specialist

**Library**

Sue Husman, Librarian

**Support Services**

Tony Mack, Supp Svcs Asst  
James Allen, Admin Clerk

**Records**

Jay Johnson, Rec. Supv.

**Finance Division**

Thomas Osmer, Dir  
Joan Potts, Acct Supy  
Danielle Cox, Acct

**Information Technology**

Sandee Sprang, Dir  
Geri Evans, Comm Coord  
Paul Gowder, Webmaster  
John Loy, Systems Engineer  
Sherri Rabon, Data Coord  
Caroline Baxley, IT Clerk

**Clerk's Office**

Lisa Dunbar, Clerk of Court  
Dottie Luyster, Admin Asst  
Ben Bruner, Admin Asst

**Opinions**

Bob Cook, Special Counsel  
Charles Richardson, SAAG  
Abby Nevitt, Admin Asst  
Patti Honeycutt, Paralegal  
Jared Pretulak, Law Clerk, T

these goals. These meetings are frank and informal -- and generally end with everyone present charged with a specific task.

These Division Directors then hold meetings with their staff members, explaining the Attorney General's goals and handing out specific assignments.

Because the Office of the Attorney General is a multi-mission agency, it is difficult to formulate long-term direction for the entire Office.

(b) Performance expectations?

Performance expectations are specifically covered in the Office Manual and in the regular meetings held by the Attorney General, the Chief Deputy Attorney General, and Division Directors and the heads of Sections and Units. Senior leaders use the State Employment Performance Measurement System (EPMS) to evaluate employees on an annual basis. Performance goals are set, and supervisors grade their subordinates on the basis of these goals. The supervisor and subordinate then discuss the basis for the grade assigned.

(c) Organizational values?

Senior leaders transmit organizational values through staff meetings, through e-mail messages, the intranet, and informal conversations. Division Directors maintain an open-door policy and hold frequent one-on-one conversations with subordinates about such matters.

More than anything, the values of the Office are transmitted by example. Current senior leaders -- all of whom are hard-working, honest and responsible -- exemplify the values of the community at large and the legal profession in particular (see discussion above), and staff members are therefore inclined to behave in a like manner.

(d) Empowerment and Innovation

These concepts are set, deployed and communicated through the same channels discussed above. In addition, senior leaders often delegate authority to subordinates in order to attain Office objectives.

Also, in order to encourage innovation and individual initiative, the Attorney General's Office offers the Attorney General's Award of Excellence. Each year this award recognizes the outstanding and innovative services of an individual staff member.

(e) Organizational and Employee Learning

A new staff member receives an orientation on the first day of employment. Then, under the direction of the Division Director, the staff member receives on-the-job-training as well as exposure to the culture and values of the Office. For

attorneys and law clerks, this includes training in WestLaw and LawBase.

Subsequently, all staff members are encouraged to participate in state-offered training as well as in-house seminars and workshops on such matters as computer software.

(f) Ethical Behavior?

In addition to the channels already defined above, the Office has presented seminars and workshops on a variety of subjects that sometimes included a discussion of ethical questions. Junior staff members are encouraged to attend these offerings, usually taught by senior leaders. In addition, all attorneys must undergo two hours of ethics training annually.

**2. How do senior leaders establish and promote a focus on customers and other stakeholders?**

The Office of the Attorney General serves several constituencies -- the people of the state, who expect to be protected by fair administration of the law; victims, who demand justice for the crimes committed against them; the solicitors, whose hard-won victories are appealed by convicted offenders; and the law enforcement officers who bring offenders to the bar of justice. All of these customers need not be solicited. They come to the Attorney General's Office because it exists to serve them.

The role of senior leaders in focusing on customers is to instill in staff members a sense of dedicated service. This is done through daily communication, formal and informal. They also use Constituent Services as a means of gauging the success or failure to render service diligently and effectively.

**3. How do senior leaders maintain fiscal, legal, and regulatory accountability?**

The Attorney General holds a quarterly meeting with all managers, including the Director of the Finance Division and the Chief Deputy Attorney General. At these meetings he reviews the current financial status of the Office and all other matters relevant to its well-being.

Between these formal meetings, the Attorney General is in daily contact with the Chief Deputy Attorney General, Senior Executive Assistant, and Chief Executive Assistant, all three of whom are constantly monitoring the operation of the Office.

**4. What key performance measures are regularly reviewed by your senior leaders?**

Using LawBase, senior leaders monitor all cases undertaken by their Division -- paying particular attention to the ratio of

cases-opened to cases-closed, amount of time between opening and closing, generation of reports, comparative analysis, feedback from the general public, and the outcomes of cases. In some instances, senior leaders measure the performance of their Division or Section or Unit against the performance of offices in other states.

**5. How do senior leaders use organizational performance review findings and employee feedback to improve their own leadership effectiveness and the effectiveness of management throughout the organization?**

Senior leaders, in reviewing the effectiveness of their employees through organizational review and employee feedback, are also evaluating their own effectiveness. In devising strategies to improve the performance of their Division, Section, or Unit, they inevitably test their own leadership skills. The most effective senior leaders are likely to be self-critical, self-analyzing, and self-improving -- and their success or failure is measured by the degree to which they accept responsibility for shortcomings of their unit and spend greater time motivating subordinates, correcting weaknesses in operational procedures, and devising innovative solutions to existing problems. It is difficult to measure the impact of such subjective self-criticism on the behavior of the senior leadership.

**6. How does the organization address the current and potential impact on the public of its products, programs, services, facilities, and operations, including associated risks?**

The most obvious tool for addressing the impact of the Office on the public is the Constituent Services Office, which processes all calls, correspondence, and e-mail referred to it by the Administrative Division.

In addition, the Stakeholder Relations Division sends out frequent press releases to newspapers, TV stations, and radio stations statewide. In turn, Office staff members receive feedback from the media, who are constantly contacting the Office and raising questions on behalf of the public.

Finally, the Office maintains its own Internet web-site, which contains a wealth of information for the public.

It is important to note here that, in a very real sense, the public and the customer are one and the same constituency. So the Office is interested in public awareness and makes a special effort to keep the public informed concerning its activities.

**7. How does senior leadership set and communicate key organizational priorities for improvement?**

Such communication takes place daily in the frequent interaction between senior leaders and individual staff members, in regular staff meetings, and in the occasional informal get-

together called by the Attorney General to which the entire staff is invited.

In addition, the intranet serves as a daily, hourly means of communicating priorities; and staff members are likely to check their e-mail many times during the day to receive these kinds of communications.

**8. How does senior leadership actively support and strengthen the community? Include how you identify and determine areas of emphasis.**

Because the Attorney General's Office is an agency of state government, by definition its activities serve and strengthen the community. In addition to fulfilling its core duties, however, the Office sponsors special projects designed to serve community interests. Here are several examples:

The Office offers seminars on ethics, domestic violence, securities fraud, insurance fraud, and other areas.

The mentor program the Office sponsors addresses the problem of single-family parents and lend a helping hand to troubled youth.

Staff members are urged to support the United Way, and every year the Office has exceeded it's quota.

The Office has developed a number of public information brochures that are routinely sent to those who request them.

Much of the information on the Attorney General's website is designed to strengthen as well as inform the community.

Senior leaders identify areas of emphasis. For example, the Attorney General himself established the pro bono program to prosecute defendants accused of Criminal Domestic Violence. Division Directors and Section heads have also initiated seminars and supervised the preparation of brochures. In order to promote these initiatives, leaders consult with Public Information, Constituent Services, and Information Technology.

**2. Strategic Planning**

**1. What is your Strategic Planning process, including KEY participants, and how does it account for:**

(a) Customer needs and expectations?

The Office addresses not only those customer needs that are ongoing and constant, but also those that the customer may encounter in the future and hence come to expect at some later date. The former are addressed in the manner already outlined --

through a quarterly meeting of managers, personal relationships, informal staff meetings, the intranet, and other avenues of communication. The latter are often addressed in a more elaborate and comprehensive way.

(b) Financial, regulatory, societal and other potential risks?

Since the Attorney General's Office is not a private for-profit corporation, its financial risks are not precisely analogous to those incurred in the business world. However, at the end of FY 2003-2004, the Office was confronted with a mandate to reduce the budget yet one more time. Such cuts constitute the nearest thing in government to financial risk.

When the Office received this mandate, it initiated a series of meetings between and among managers at every level. During these meetings, managers identified areas for potential reductions, including the elimination of some staff positions. The managers -- the Chief Deputy, the Financial Director, Division Directors, Sections and Unit heads -- then took these tentative cuts to the relevant staff and asked for input.

After cuts were approved and implemented, the Finance Section and all managers continued their projecting, monitoring, and comparing (with previous years) to ensure that the Office remained within the budget. As a consequence of this process, mid-course corrections were made.

(c) Human resource capabilities and needs?

Division Directors and Section heads, in conjunction with the Chief Deputy Attorney General and the Finance Director, who serves as the chief financial officer, determine personnel needs after defining their goals for the future. While at present some of those goals have been placed on hold as the result of budget constraints, Division and Section managers have already projected future needs, based on their vision of the future.

For example, the Criminal Division envisioned adding environmental crimes to the list of offenses under the jurisdiction of the Grand Jury and expanding its staff to reduce the caseload of all attorneys, thereby enabling the Division to dispose of cases in a more timely fashion. The fulfillment of these goals required the addition of new attorneys to the staff.

So the need for additional human resources is one factor in developing a strategic plan to reach the long-term goals proposed by the leadership.

(d) Operational capabilities and needs?

This area is the special responsibility of the Divisions of Finance and Administration. However, such capabilities and needs can only be addressed once the strategic plan for the entire Office is at least on the drawing board. Thus, when identifying

future personnel needs, the Directors of Finance and Administration take their lead from the Attorney General, the Chief Deputy Attorney General, and the other Division Directors. However, in the final analysis, they must determine if the human resources can be made available to realize the goals proposed by the rest of the Office.

(e) Supplies/contract/partner capabilities and needs?

The Directors and staff of the Administration and Finance Divisions, in consultation with other segments of the organization, determine these jointly.

**2. Key strategic objectives (See Strategic Planning Chart below)**

**3. Key action plans/initiatives**

The following are our key initiatives and action plans

**Domestic Violence**

South Carolina has consistently ranks at the top nationally in fatal incidents of criminal domestic violence. In 2003, SLED documented almost 36,000 domestic violence complaints. With a few exceptions, most of these cases take place in magistrate courts without a prosecutor present, leaving the victim and the state without representation, leading to dropped charges, fewer convictions and many miscarriages of justice.

To address this problem, the Attorney General's office has solicited, trained, certified, and supervised 85 pro bono attorneys to serve as prosecutors in three counties and a few municipalities around the state.

The pro-bono program has been very successful, handing over 1,400 domestic violence prosecutions since January 2004 and dramatically increasing the conviction rate to over 70%. We have also received a federal grant to hire additional prosecutors in seven rural counties.

The results prove that with trained professionals prosecuting vigorously for the state, fewer cases will be dropped, convictions will rise, lives will be protected and justice will be served.

Unfortunately, there will never be enough volunteer prosecutors or federal grant money available to prosecute the 36,000 annual cases in the state's 300 plus magistrate courts. The solution is to provide our Solicitors the proper funding to hire dedicated domestic violence prosecutors in every county, with pro-bono prosecutors assisting or filling in on a need basis.

The Attorney General has proposed that \$2.2 million be appropriated to the Commission on Prosecution Coordination for



## Strategic Planning

Program Number and Title	Supported Agency Strategic Planning Goal/Objective	Related FY 04-05 Key Agency Action Plan/Initiative's)	Key Cross References for Performance Measures*
I. State Litigation: CDV/Pro Bono	South Carolina consistently ranks at the top nationally in fatal incidents of criminal domestic violence. In 2003, SLED documented almost 36,000 domestic violence complaints. To address this problem, the Attorney General's office seeks to solicit, train, certify, and supervise pro bono attorneys to serve as prosecutors in counties and municipalities around the state.	To address this problem, the Attorney General's office has solicited, trained, certified, and supervised 85 pro bono attorneys to serve as prosecutors in three counties and a few municipalities around the state. The pro-bono program has been very successful, handing over 1,400 domestic violence prosecutions since January 2004 and dramatically increasing the conviction rate to over 70%. We have also received a federal grant to hire additional prosecutors in seven rural counties.	Page 16 Chart III, 40-41
I. State Litigation: ICAC/Internet Crimes	The Attorney General aggressively investigates and prosecutes child cyber enticement cases. In South Carolina the law makes it a crime to stalk, lure or entice a child for abduction or sexual assault. The Attorney General vigorously seeks to prosecute the enticement of children through the Internet.	The South Carolina Task Force is part of a federal Department of Justice ICAC network dedicated to assisting state and local law enforcement agencies' efforts to combat child cyber enticement and child exploitation. The Attorney General's Office provides assistance with federal ICAC funding, training and resources. In return, local law enforcement agencies will conduct proactive undercover Internet predator sting operations. As part of the agreement, the Attorney General's Office will prosecute the Internet predator cases with the local Solicitor prosecuting other child exploitation crimes.  The Attorney General will continue to recruit local law enforcement agencies to join the ICAC taskforce in an effort to target and prosecute predators before they can target children for assault or abduction.	Page 18, Chart III, 43
I. State Litigation:Meth Watch	The Attorney General's office has developed S.C. Meth Watch, a voluntary education, training and public visibility program involving law enforcement and retailers designed to deter the theft or illegal purchase of common household products used in the illicit manufacturing of methamphetamine	The Attorney General has partnered with the Adjutant General's Office who has assigned S.C. National Guard personnel to staff the effort. Also part of the Meth Watch program, law enforcement officials around the state have also been trained in the Meth Watch program's series of seminars to expect calls from retailers that may contain valuable information that could lead to arrests. Through Meth Watch, retailers and law enforcement will help increase awareness about the diversion of legal products to the illegal manufacture of methamphetamine and will assist local communities in addressing the meth problem. The Attorney General is also pushing for passage of H. 3591, sponsored by Columbia Representative Joan Brady. The legislation would have a dramatic impact on the way the state is able to fight the exploding problem of methamphetamine (Meth) use and production.	Page 19, Chart III, 42
I. State Litigation:Animal Fighting/Drug Trafficking	The Attorney General has developed a statewide initiative aimed at combating illegal dog fighting and drug trafficking in South Carolina.	The Attorney General's office is currently involved in prosecuting dog-fighting cases in counties all across the state. The Attorney General is also pushing for legislation to bring uniformity to our criminal animal fighting statutes and to allow for the seizure and forfeiture of property used for animal fighting.	Page 20, Chart III, 44

\* Key Cross-References are a link to the Category 7 - Business Results. These References provide a Chart number that is included in the 7th section of this document.

the purpose of each Solicitor hiring a dedicated domestic violence prosecutor in each of the state's forty-six counties.

The Attorney General has also recommended that the General Assembly direct the creation of a dedicated and centralized magistrate level domestic violence court in each of the state's forty-six counties.

### ***Crimes Against Children***

Using the Internet predator law the Attorney General pushed through the General Assembly last year, the Attorney General's Internet Crimes Against Children (ICAC) Task Force has aggressively investigated and prosecuted child cyber enticement cases. The law makes it a crime to stalk, lure or entice a child for abduction or sexual assault.

The South Carolina Task Force is part of a federal Department of Justice ICAC network dedicated to assisting state and local law enforcement agencies' efforts to combat child cyber enticement and child exploitation. Locally, it is operated by the Attorney General's Office in partnership with the State Law Enforcement Division and the South Carolina Computer Crimes Center.

The Attorney General is now expanding the ICAC task force partnership to include local law enforcement agencies, with the Attorney General's Office providing assistance with federal ICAC funding, training and resources. In return, local law enforcement agencies will conduct proactive undercover Internet predator sting operations.

As part of the agreement, the Attorney General's Office will prosecute the Internet predator cases with the local Solicitor prosecuting other child exploitation crimes.

Currently the York County Sheriff's Department, the Spartanburg County Sheriff's Department, the City of Aiken Department of Public Safety, the Aiken Sheriff's Department and the Florence County Sheriff's Department have joined the statewide task force.

The Attorney General's Office provides assistance with federal ICAC funding, training and resources. In return, local law enforcement agencies will conduct proactive undercover Internet predator sting operations. As part of the agreement, the Attorney General's Office will prosecute the Internet predator cases with the local Solicitor prosecuting other child exploitation crimes.

The Attorney General will continue to recruit local law enforcement agencies to join the ICAC taskforce in an effort to target and prosecute predators before they can target children for assault or abduction.

## **Methamphetamine**

The Attorney General's office has developed S.C. Meth Watch, a voluntary education, training and public visibility program involving law enforcement and retailers designed to deter the theft or illegal purchase of common household products used in the illicit manufacturing of methamphetamine. The Adjutant General's Office has partnered with the Meth Watch program and has assigned S.C. National Guard personnel to staff the effort.

Training videos and materials have been provided to participating retailers, and they have been trained in seminars conducted by the Attorney General's Office. Store items commonly used in the manufacture of meth are identified and marked with shelf tags, indicating that they are monitored merchandise. Employees are trained by management to recognize common characteristics of Meth abusers and the combinations of items they are likely to purchase or attempt to steal.

Also part of the Meth Watch program, law enforcement officials around the state have also been trained in the Meth Watch program's series of seminars to expect calls from retailers that may contain valuable information that could lead to arrests.

Methamphetamine, also known as "meth," "speed," "crank," or "ice," is a very powerful and highly addictive stimulant that affects the central nervous system. Meth is a synthetic drug produced or sold as pills, capsules, or powder that can be smoked, snorted, injected, or swallowed.

Methamphetamine is a neurotoxin, meaning it damages the nervous system. Meth use can cause dependence and addiction psychosis, stroke, dangerously high body temperature, and cardiac arrhythmia. Withdrawal often results in severe depression and paranoia.

Through Meth Watch, retailers and law enforcement will help increase awareness about the diversion of legal products to the illegal manufacture of methamphetamine and will assist local communities in addressing the meth problem.

The Attorney General is also pushing for passage of H. 3591, sponsored by Columbia Representative Joan Brady. The legislation would have a dramatic impact on the way the state is able to fight the exploding problem of methamphetamine (Meth) use and production.

## **Animal Fighting - Drug Trafficking**

The Attorney General has developed a statewide initiative aimed at combating illegal dog fighting and drug trafficking in South Carolina. Dog fighting is a felony offense, § 16-27-30, punishable by a mandatory five years imprisonment or a mandatory fine of \$5,000 or both.

Because of state budget cuts and limited resources, humanitarian groups in the state have stepped forward and volunteered to fund a SLED agent and an assistant attorney general dedicated to investigating and prosecuting dog fighting and dog fighting related drug cases.

The Attorney General's office is currently involved in prosecuting dog-fighting cases in counties all across the state.

Law enforcement agencies nationwide have noticed the increase in popularity of dog fighting among drug dealers and other criminals. Dogs are trained to fight to the death with huge jackpots at stake, some approaching six figures. It has its own sub-culture, special lingo, websites, and secretive methods of communicating fight times, locations and entry. This has made it difficult at times for law enforcement to infiltrate dog-fighting operations.

The Attorney General is also pushing for legislation to bring uniformity to our criminal animal fighting statutes and to allow for the seizure and forfeiture of property used for animal fighting.

Animal fighting is currently a five-year, \$5,000 felony crime. The only exception is for cockfighting, which is currently a magistrate level misdemeanor with a punishment of 30 days in jail or a \$100 fine.

This penalty is weak and has little if any deterrent effect. It is rarely enforced. Some cockfighting enthusiasts have stated publicly they willfully break this criminal law without fear of prosecution. Many have characterized the \$100 penalty as merely "the cost of doing business."

This legislation brings uniformity to our animal fighting criminal penalties by removing the "special" penalties for cockfighting.

Also, this legislation contains critical provisions for the seizure and forfeiture of property used for the purpose of animal fighting. This is identical to the forfeiture statutes in our drug laws.

Law enforcements needs this forfeiture provision to combat the increase in illegal animal fighting in South Carolina, illegal dog fighting and the drug trafficking which supports it. Fighting these criminals takes resources. Law enforcement can liquidate property seized from animal fighting and use those new funds to fight crime.

**4. How do you develop and track action plans that address your key strategic objectives?**

As already noted, action plans are developed and monitored through the informal exchange of ideas between and among staff members and through the various meetings that are constantly in progress.

Since the major mission of the Attorney General's Office is litigation, the best tracking device is LawBase software, which monitors work case-by-case, allowing Division and Section managers to determine the status of every legal action under their jurisdiction at any given moment during the day.

The Records Section staff, using their own software, can likewise track the progress for all litigation, albeit by a slower process. Currently, both systems are in use, though, as attorneys and Division Directors become more familiar with LawBase, they are less likely to seek information from the Records Section. The Pro Bono program also tracks the assignment and outcomes of CDV cases prosecuted by private-sector volunteers.

Action plans unrelated to litigation are monitored through meetings, the intranet, and through one-on-one encounters.

Resources are allocated on a priority basis. If resources are not available, then services are terminated.

#### **5. How do you communicate and deploy your strategic objectives, action plans, and performance measures?**

The Office communicates and deploys its strategic objectives, action plans, and performance measures through all avenues of communication defined above: one-on-one discussions, meetings, special task forces, the intranet, the daily news summaries, and the Attorney General's website.

### **3. Customer Focus**

#### **1. How do you determine who your customers are and what their key requirements are?**

As already noted, the Attorney General's Office -- an ongoing agency of the State of South Carolina -- acquires most of its customers as a direct consequence of its role as defined by the South Carolina Constitution, the courts, and the General Assembly. Its primary function, that of litigation, is predetermined by the very existence of the judicial system -- and so are its customers.

However, the Attorney General has, on occasion, reached out to new customers in his desire to extend the benefits of the Office. Thus, he has entered into civil litigation with a number of corporations who have exploited citizens through the restriction of free trade and fraudulent business practices. In such suits, a specific constituency within the state becomes a new and temporary customer of the Office -- for example, parents who have had to pay artificially high prices for toys or heart patients who are the victims of price fixing.

**2. How do you keep your listening and learning methods current with changing customer/business needs?**

Over the past several years, this goal has been accomplished through a highly creative Information Technology Division. Keyed to the latest technology, the Division Head and her staff have promoted innovations that have vastly expanded the capabilities of the Office to reach and service its customers. The introduction of the website, the development and improvement of the intranet, and the installation and implementation of LawBase, a CDV database, and other databases have transformed the mission of the Office. In the past two years, the Dan McLeod Law Library has dropped many periodical subscriptions and is now offering the same publications online.

The Division is currently considering the feasibility of even more creative uses of new technologies. It is in this direction that the Office looks in keeping its methods for reaching customers current and effective.

**3. How do you use information from customers/stakeholders to keep services or programs relevant and provide for continuous improvement?**

The Office receives feedback through calls and letters from constituents which are received, analyzed, and answered by e-mail, letters, and telephone calls, then reports important trends to the relevant Division Director, who, in turn, passes this information along to the Attorney General, the Chief Deputy Attorney General, and any Division or Section manager involved. If a problem has been identified, the relevant managers discuss the matter and, if necessary, develop a strategy to find a solution.

**4. How do you measure customer/stakeholder satisfaction?**

Since the agency is the State's law office, customer/stakeholder satisfaction is measured primarily through the analysis of case loads -- number of cases opened, number of cases litigated, number of cases resolved, number of successful outcomes.

In addition, satisfaction is measured through information collected and analyzed by Constituent Services. Though not statistically significant, the information provided by this Section enables leaders to pinpoint specific problems and strengths.

**5. How do you build positive relations with customers and stakeholders? Indicate any key distinctions between different customer groups.**

The office builds positive relations with customers through a variety of strategies: through press releases that report on the activities of the Office; through the Attorney General's website; through the preparation and distribution of information

brochures; through the sponsorship of such programs as the Domestic Violence Awareness Program; through speeches and personal appearances by the Attorney General and staff members; and through the success of our attorneys in courts of law.

Clearly the victims of crimes constitute a special sub-group of South Carolinians. While the public at large is adversely affected by every crime committed in the state, the pain is remote, almost abstract in nature. Victims experience harsh and immediate pain and must be served in an entirely different way.

The same is true of troubled youngsters and their families - - effectively served by the Office's mentor program. The relationships of these latter groups are highly personal -- requiring tact, compassion, and one-on-one attention.

#### **4. Measurement, Analysis, and Knowledge Management**

##### **1. How do you decide which operations, processes, and systems to measure for tracking financial and operational performance?**

The main question we ask in determining what and what not to measure is the degree to which deficiencies are unlikely to show up any other way.

For example, the Administration Division deals primarily (though not exclusively) with internal customers. If staff members don't perform their duties in an efficient and timely fashion -- if they don't supply other offices with paper, or oversee the repair of broken machines, or change computer toner - - they hear about it immediately.

On the other hand, without monitoring and measurement, the mishandling of a law case -- among thousands processed during any given year -- might not be evident. So we measure this area of responsibility, which, coincidentally, is our primary service to our customers.

##### **2. What are your key measures?**

Our most important measure is LawBase, which contains a detailed record of every case opened by a staff member. It is through LawBase that we can track the achievement of each division, segment, and attorney in the Office. In addition, our CDV database also keeps a comprehensive record of cases and result in the Pro Bono Program to prosecute domestic violence.

##### **3. How do you ensure data integrity, timeliness, accuracy, security, and availability for decision-making?**

The LawBase system now in use is designed to monitor progress on cases at every step of the way. The system provides us with data of the highest quality, reliability, completeness, and availability that any technology can currently offer.

##### **4. How do you use data/information analysis to provide effective support for decision-making?**

The analysis of data information by managers of Divisions and Sections is brought to strategic planning meetings and considered by the leadership, which makes decisions based on these analyses. The best example of this process is the manner in which the Office confronted the necessity to cut the budget for FY 2003-2004. In this deliberation, data analysis played a key role in determining where to make cuts.

**5. How do you select and use comparison data and information?**

The first data we often choose for comparison are the past records of the Attorney General's Office. However, only recent years are relevant, since times change, populations increase, and the responsibilities of the Office expand.

But we also compare our performance with that of the offices of other state attorneys general. For example, three years ago, the Insurance Fraud Section of our Office prosecuted 423 cases during FY 2002-2003. Only Florida, with 688 prosecutions, posted a higher number -- and Florida has a population of over 15 million, while South Carolina's population is just over 4 million. In fact, we led the nation in increased prosecution, with 355 percent.

**6. How do you manage organizational knowledge to accomplish the collection and transfer and maintenance of accumulated employee knowledge and identification and sharing of best practices?**

This is accomplished more informally than formally. For example, the head of the Prosecution Division holds regular discussion sessions in which less experienced staff members can ask questions and discuss current cases in the light of past practices. Also, the heads of all divisions and sections communicate organizational knowledge through one-on-one conferences.

The Office also uses the Intranet to collect and communicate organizational knowledge, both past and present.

**5. Human Resources**

**1. How do you and your managers/supervisors encourage and motivate employees (formally and/or informally) to develop and utilize their full potential?**

The Office and senior staff members motivate employees in several ways, both formal and informal:

Formal

Annually, the Office presents the Attorney General's Award of Excellence to the staff member who has contributed most to the success of the organization.

The Office also conducts an Employee Recognition Program for the purpose of honoring staff members for lengthy service.



When authorized, the State's system of merit pay also provides an incentive for staff members to utilize and achieve their full potential.

#### Informal

Systems to funnel employee suggestions to management and an open-door policy at every level of the organization give employees the sense that they are an important part of the decision-making process.

The Office occasionally plans social gatherings. The intranet keeps employees informed of important happenings in the lives of their fellow staff members -- weddings, births, deaths, and funerals.

### **2. How do you identify and address key developmental and training needs, including job skills training, performance excellence training, diversity training, management/leadership development, new employee orientation and safety training?**

Training needs for the entire office are generally identified by the Administration Division, which also arranges for a training site, an instructor, and any equipment necessary. For example, when the Office switched from one computer software to another, virtually the entire staff had to be re-trained. The Office arranged for an instructor, scheduled training sessions, and made certain that computers were available. In this instance, the training was mandatory.

While the Office sponsors no formal diversity training, every new employee is briefed on our non-discriminatory policy in matters of race, gender, and disability. This policy is specifically affirmed in the Office Manual and reflected in the organizational structure. For example, currently 13 units are headed by women and 11 by men.

Management/leadership training generally takes place one-on-one. When a staff member takes on new managerial duties or is promoted to head a Division or Section, a senior staff member with administrative experience serves as a mentor, monitoring the new manager and his or her new area of responsibility, making suggestions, and leaving the door open for questions.

Agency attorneys attend professional seminars and workshops, the same as those attended by private attorneys.

Finally, the Administration Division conducts orientation for new staff members. This one-day program includes information on such matters as the Office handbook, benefits, business hours, leave policy, pay policies, and the ethic of the Office.

### **3. How does your employee performance management system, including feedback to and from employees, support high performance?**

First, as noted in Part 1 of Category 5, our management system encourages staff members to regard themselves as part of a friendly team, a community in which they are able to express

their own ideas and identity while working for the common goals of the Office and its customers.

Second, the informal but persistent oversight of management and the Office's various monitoring systems allow the employee to feel relatively unconstrained, yet always under the watchful eye of a concerned authority. Staffers don't feel that supervisors are over-managing their activities; neither do staffers believe that what they are doing goes unnoticed or unappreciated.

**4. What formal and/or informal assessment methods and measures do you use to determine employee well being, satisfaction, and motivation?**

In virtually all cases, the supervisor maintains close contact with staff members and hence can pick up any signs of dissatisfaction, as well as any deficiency of motivation. A more formal objective measure of employee satisfaction is the retention rate -- or, more precisely, the number of staff members who have voluntarily left the Office to find employment elsewhere, as opposed to those who were terminated for one reason or another.

Every employee who leaves the Office fills out an exit questionnaire.

**5. How do you maintain a safe, secure, and healthy work environment?**

The Administration Division is responsible for the physical environment in which staff members do their job. This Division oversees the work of cleaning crews and constantly inspects the physical plant to see if problems have arisen

The Division also arranges for employees to get flu shots annually and conducts random drug testing to ensure that the work place is not compromised by the illegal use of controlled substances.

The Office has a security system that includes surveillance cameras and access cards. Periodically, office personnel participate in unscheduled drills to prepare them for evacuation in the event of a disaster.

**6. What activities are employees involved in that make a positive contribution to the community?**

As noted above, the Office offers public seminars on a variety of legal issues; sponsors a mentor program that cooperates with faith-based organizations in lending a helping hand to troubled youth; supports the United Way and other charitable initiatives; distributes a number of public information brochures; and provides valuable information on the Attorney General's website.

**6. Process Management**

**1. What are your key processes that produce, create or add value for your customers and your organization and how to they contribute to success?**

Discussions above provide some answers to this question. The key processes include: the management of legal cases, the storing of data concerning office activities, the periodic assessment of Office effectiveness, the creation, and dissemination of knowledge to the general public. All of these processes are integral to the success of the Office because they give form and order to the activities of the Office and constitute the best possible means of quality control.

**2. How do you incorporate organizational knowledge, new technology, changing customer and mission-related requirements, cost controls, and other efficiency and effectiveness factors into process design and delivery?**

Our key processes are both traditional and innovative. The investigation of legal cases, the preparation of briefs and arguments, courtroom appearances, and the assessment of wins and losses -- in one sense, these are as old and as set as the legal system itself.

On the other hand, the use of LawBase, WestLaw and other general databases -- which can be accessed almost instantly by a desktop computer -- render old-fashioned research and case-management methods obsolete.

Likewise, in communicating with the press and general public -- the responsibility of the Public Information Office, staff members use e-mail and the Internet to disseminate information to over 250 media outlets instantaneously, thereby saving enormous amounts of time.

Our website receives hits daily from customers looking for information that five years ago would have taken weeks to obtain.

These and other technological innovations have been introduced to the Office as the result of a close connection between the key figures in the Office and the Attorney General himself. Staff members routinely inform him of the viability of new technology, and he is constantly thinking of ways to utilize it in the service of the Office's customers. The result has been one of the most innovative attorney general's offices in the nation.

**3. How does your day-to-day operation of these processes ensure meeting key performance requirements?**

As the State's law firm, the Attorney General's Office tries cases in trial and appellate courts, employing its own unique production/delivery process that combines traditional law practices with state-of-the-art technology and software. LawBase, WestLaw, and the CDV database in particular ensure the continued effectiveness and improvement of Office efficiency. The oversight system, with its highly personal emphasis and its

diligent daily monitoring, seems to offer the best balance between carelessness and excessive rigidity.

**4. What are your key support processes, and how do you improve and update these processes to achieve better performance?**

Our key support processes are the operation of the Administration Division and the maintenance of an up-and-running computer network. In addition, a staff member has the responsibility to communicate with the S.C. General Assembly, the U.S. Congress, and the White House.

The Information Technology Division is constantly researching reports on technological breakthroughs to find new and useful technologies to enhance the performance of the Office. At the same time, technicians are on-site to repair breakdowns in the computer network, which links all offices together through the intranet, e-mail, and the website.

The website is updated daily, and the Public Information staff sends out frequent releases to update the activities of the Office.

The Administration Division meets weekly to review its own performance and to report any breakdown in the system.

**5. How do you manage and support your key supplier/contractor/partner interactions and processes to improve performance?**

Our suppliers are all on State contracts so that we reap the advantage of bulk bidding. Over these matters, we have little control.

However, the Manager of Support Services maintains a friendly personal relationship with each supplier so that if there is breakdown in service, he knows a name to call and a face to go with the name.

In general, this friendly relationship ensures efficiency and ever-improving service.

However, when service is poor, he has not hesitated to threaten cancellation. Thus far, one method or the other has worked to keep suppliers on their toes.

**7. Results**

**7.1 What are your performance levels and trends for the key measurements of customer satisfaction?**

Our evidence of customer satisfaction is gathered principally from personal encounters with victims, letters of gratitude, phone calls, e-mails, and the report of Constituent Services. The Directors of both the Criminal and the Civil Divisions report no significant negative feedback during the year.

**7.2 What are your performance levels and trends for the key measures of mission accomplishment and organizational effectiveness?**

The Records Section has kept an accurate record of cases opened, cases closed, and the outcomes, as well as statistics on the number of customers served in such Sections as Victim Services. These records provide an accurate and statistically significant measure of mission accomplishment.

In addition, the LawBase system provides us with detailed and accurate records of all cases handled by the Office. Thus we can give a statistically significant and up-to-date summary of the activities of both the Criminal and the Civil Divisions.

Meanwhile, sections, sub-sections, and programs have compiled statistics from which the table below has been devised.

However, in order to understand the significance of this table, it is necessary to understand more fully the nature of the programs the Office offers. What follows is a detailed description of these programs.

**THE SECURITIES DIVISION**

The Attorney General serves as the state's Securities Commissioner, and the Securities Division assists the Attorney General in carrying out his duties in this area. These include providing information on securities laws and practices, investigating allegations of fraud or other violations of securities laws, and taking appropriate action.

In addition, the Division is responsible for the following: Registration of broker-dealers, broker-dealer agents, investment advisers, and investment-adviser representatives prior to their doing business in this state; performing audits on broker-dealers and investment advisers; registration of securities offerings; receipt of disclosure materials from issuers; formal confirmation of exemptions for issuers; receipt of appropriate materials and notice filings of mutual funds and unit investment trusts; investor-education outreaches to the community and targeted groups; and support of an equitable, competitive, and efficient securities industry that contributes to the economic health of the state and its citizens.

**THE CIVIL DIVISION**

As the law firm for the State of South Carolina, the Attorney General's Office has important responsibilities in the area of civil law as well as in the area of criminal law. When the State is a party to a law suit, either as plaintiff or defendant, attorneys in this division may represent and advise the State, its agencies, and its officials in civil lawsuits.

The Civil Division represents the State in such areas as constitutional law, extradition, charitable trusts, election law,

reapportionment, contracts, unfair trade practices, anti-trust suits, and foreclosures where the State has an interest.

Also a part of the Civil Division, the Sexually Violent Predator Section of the Attorney General's Office represents the State in civil trials and presents the case for commitment. The Section also handles all annual review proceedings for individuals committed under the statute.

### ***Consumer Protection and Antitrust Section***

The Consumer Protection and Antitrust Section represents the state in such areas as anti-trust suits and unfair trade practices.

### ***The Grievances Section***

The Grievances Section investigates and prosecutes ethical misconduct complaints against lawyers and judges when authorized by the Commission on Lawyer Conduct and Commission on Judicial Conduct.

### ***Sexually Violent Predator Section***

In 1998, the Governor signed into law legislation enabling the State of South Carolina to commit sexually violent predators "who require involuntary civil commitment in a secure facility for long-term control, care, and treatment." The Sexually Violent Predator Section of the Attorney General's Office represents the State in these civil trials and presents the case for commitment. The Section also handles all annual review proceedings for individuals committed under the statute.

## **THE CRIMINAL DIVISION**

In South Carolina, solicitors prosecute most crimes. However, the Criminal Division of the Attorney General's Office is charged with representing the interests of the State in some specific areas of criminal litigation. The Division is divided into seven sections: the Capital and Collateral Litigation Section, the Medicaid Fraud Control Section, the Criminal Appeals Section, the Post-Conviction Relief Section, the Internet Crimes Against Children Section, the Prosecution/Insurance Fraud Section, and the State Grand Jury.

### ***The Capital and Collateral Litigation Section***

This Section assumes the burden of representing the state in murder cases, habeas corpus actions, and in some Post-Conviction Relief cases.

The Section handles all appeals of death penalty cases in state and federal courts, and federal habeas corpus cases. The

Section is responsible for representing the State in all murder conviction appeals in the South Carolina Court of Appeals and the South Carolina Supreme Court. The Section also handles federal habeas actions proceeding from any South Carolina conviction in the Federal District Court, the United States Court of Appeals and the United States Supreme Court. The unit also handles all death-penalty litigation in state and federal court.

#### ***The Medicaid Fraud Control Section***

Operating in part on funds from a federal grant, the Medicaid Fraud Section investigates and prosecutes cases of Medicaid fraud in South Carolina. The Medicaid Fraud Section also investigates and prosecutes cases involving patient abuse or misuse or theft of patients' funds.

#### ***The Internet Crimes Against Children Section***

The Internet Crimes Against Children Unit operates primarily through funds provided by a federal grant from the Office of Juvenile Justice and Delinquency Prevention, a part of the U.S. Justice Department. The ICAC Unit has the ability to prosecute crimes against children where the Internet is involved. By statute, the focus of these offenses is in the area of obscenity and child pornography.

The ICAC Unit also serves as a source in South Carolina to promote public awareness of the potential dangers the Internet poses, especially to children. Working with law enforcement, schools, parents, and children, the ICAC Unit sponsors free legal education seminars for prosecutors and law enforcement officials. Seminar speakers range from local law enforcement officers and federal agents to nationally known forensic and behavioral scientists. Those in attendance receive the training and resource materials to take back to their local offices and help make their investigations and prosecutions more effective. Since the creation of the ICAC Unit, well over 1000 law officers and prosecutors have received some form of training from the Unit.

In an effort to reach the parents and children of South Carolina, the ICAC Unit provides "awareness materials" such as mouse pads, coffee mugs, pencils, pens, and rulers which are not only useful, but also convey safety tips and contact information. These items are distributed through schools, minor league sports team promotions, museums, and local law enforcement. Since 1998, the ICAC Unit has distributed more than 10,000 items across the state.

Currently, the ICAC Unit maintains a website -- [www.sckidsonline.com](http://www.sckidsonline.com) -- that serves as a resource for law enforcement, parents, and children. The site contains information about Internet safety and the dangers that exist, how to report suspicious activity or web content, whom to contact in other states (including state and federal agencies), and links and registration information for upcoming events.

In addition, the Office has signed two Memorandums of Understanding (MOUs) with local law enforcement agencies this

fiscal year and plans to sign several more in the next fiscal year, which will, in effect, broaden the scope of investigations in this area, thus creating a bigger need for additional prosecutorial assistance. These MOUs are agreements between city and county law enforcement agencies and the Office allocating investigative assistance from local officers in exchange for assistance from the Office in obtaining the training and equipment necessary to conduct undercover investigations. In addition, becoming a member of the SC ICAC Task Force enables local law enforcement personnel to attend national training sessions they may not otherwise find available and ensures all ICAC investigations are conducted in accordance with national standards.

#### The Criminal Appeals Section

The Criminal Appeals Section handles all appeals brought by defendants convicted in General Sessions Courts of crimes other than murder. Attorneys in this Section represent the State in South Carolina Court of Appeals, the South Carolina Supreme Court, and the United States Supreme Court. They also represent the State when it appeals an adverse ruling or sentence.

#### ***The Post-Conviction Relief Section***

The PCR Section represents the State in trial and appellate courts in all post-conviction relief actions filed by persons convicted of a crime or sentenced for a crime and who assert that the conviction or sentence violated the United States Constitution or the South Carolina Constitution. Such appeals may also assert that the court was without jurisdiction to impose sentence; that the sentence exceeded the maximum punishment prescribed by law; that the sentence, probation, parole or conditional relief had expired; or that newly discovered evidence had emerged. In addition, the appeal may be based on some other collateral attack.

Typically, hearings are held before a circuit court judge. Appeals from there are heard by the South Carolina Supreme Court and are occasionally followed by review in the United States Supreme Court.

#### ***The Prosecution/Insurance Fraud Section***

The Prosecution/Insurance Fraud Section prosecutes defendants accused of crimes that fall under the jurisdiction of the Attorney General's Office, as well as accepts cases in General Sessions Court from solicitors where there is a conflict of interest at the local level.

The Section also prosecutes cases involving attempts -- both successful and unsuccessful -- to defraud insurance companies. The Section maintains a hotline (1-888-95-FRAUD) that takes calls from citizens who wish to report an instance of insurance fraud.

The Prosecution/Insurance Fraud Section also contains three sub-sections created to fulfill very specific functions: the



Violence Against Women Unit, the Youth Mentor Program, and the Office of Victim Services,

### ***Violence Against Women Sub-Section***

Under the Violence Against Women Act (VAWA), the Attorney General's Office received a grant from the U.S. Department of Justice to develop strategies and procedures for the prevention and prosecution of domestic violence. Using funds from this grant, the Attorney General maintains a staff exclusively devoted to combating violence against women. Among their activities are the following: (1) the prosecution of those charged with domestic violence, (2) the presentation of educational seminars on domestic violence, and (3) the annual sponsorship of a memorial ceremony for the female victims of domestic violence during the year.

### ***Office of Victim Services***

The Office of Victim Services routinely informs crime victims of their rights under the Victims Bill of Rights and also of the services available to them. In some cases, victims are entitled to restitution and compensation, as well as to services provided by other State agencies. Counselors also help victims follow the course of the trial, including any appeals the court may schedule.

### ***The Pro Bono Criminal Domestic Violence Sub-Section***

The Pro Bono Program

This program, created in 2003 and operational in 2004, provides Special Prosecutors for the cases of Criminal Domestic Violence heard in summary courts. Private attorneys are recruited, trained, certified, and organized through the Attorney General's Office. Each case is monitored and tracked on a case management system. The program is currently active in Kershaw County, Orangeburg County, the City of Winnsboro, the City of Columbia, and the City of Orangeburg. York County should become an active county by October 2005.

Rural Domestic Violence Program

Created with federal monies from a Rural Domestic Violence and Child Victimization Grant, this program will serve the following seven counties; Chesterfield, Clarendon, Darlington, Dillon, Marion, Marlboro and Williamsburg. The program is designed to provide prosecution and victim assistance to rural communities that otherwise would not have these resources. In addition, this program will serve as a core around which to build the Pro-Bono program in these counties. Three prosecutors, a program coordinator, and a part-time assistant will work out of the Attorney General's Office; three victim advocates and a

bilingual Hispanic outreach coordinator will work from the grant counties.

### ***Youth Mentor Program***

The Youth Mentor Program offers troubled young people who have not yet committed a violent crime an alternative to the juvenile justice system. They are put in contact with mentors -- in most cases members of churches and other religious groups -- who offer friendship, advice, and guidance on an ongoing basis.

### ***The South Carolina Meth Watch***

The South Carolina Meth Watch program, funded by a grant from the Consumer Healthcare Products Association (CHPA), is designed to help curtail the theft and bulk sale of pseudophedrine and other precursor products used in methamphetamine production.

Almost all of the ingredients needed to "cook" methamphetamine can be purchased at the local drug store or hardware store. The South Carolina Meth Watch program provides a disincentive to prospective purchasers of precursor products through a monitoring system.

- Participating retailers place the precursor products where they can be easily watched.
- These retailers strategically post South Carolina Meth Watch signs and tags on their doors and windows, around their cash registers, and on the shelves where precursor products are located.
- Retailers may also impose purchase limits to prevent high volume sales.
- Finally, they train their employees to recognize, but not to confront, suspicious customers, and to contact law enforcement with as much identifying information as possible.

Representatives from the Meth Watch program offer "train the trainer" sessions throughout the state and also conduct seminars to train law enforcement officers, prosecutors, and drug awareness groups about the program and how to implement it in their communities. Seminar attendees learn that their agency's participation, as well as the participation of retailers, is cost-free. As other states have quickly learned, leadership and active participation by law enforcement personnel and retailers is the most important factor in the successful operation of a Meth Watch program.

### **The State Grand Jury/Prosecution**

The State Grand Jury (SGJ) is an independent body empowered to hear evidence and hand down indictments in six special areas: (1) cases involving multi-jurisdictional drug trafficking, (2) obscenity and pornography, (3) the corruption of public officials, (4) the violation of election laws, (5) acts of terrorism, (6) computer crimes, and (7) environmental crimes. As the result of recent legislation, the State Grand Jury now investigates suspected violations of the Uniform Securities Act and prosecutes indicted persons.

The SGJ functions like a federal grand jury: It meets on a regular basis, hears evidence, and either issues a "true bill" (an indictment) or a "no bill," depending on whether or not jury members believe the evidence is sufficient to justify a trial.

An attorney from the Attorney General's Office prosecutes defendants indicted by the SGJ.

### **THE ADMINISTRATIVE DIVISION**

The Administrative Division provides support and planning services essential to the efficient operation of the Office. These services include: space planning and construction, resource allocation, drug testing, law library, records, coordination of security, visitor and telephone reception, and building services. The Division is divided into four Sections -- Human Resources, Library, Support Services, and Records.

#### ***Human Resources Section***

This Section prepares advertising for the recruitment of new employees, manages the drug-testing program, processes job applications, provides orientation for all new employees, maintains payroll and leave records, monitors and implements salary changes, administers benefits, receives and processes mail, coordinates employee relations, and performs other human resources duties in support of the Attorney General's staff.

#### ***The Library***

The Daniel R. McLeod Law Library -- named after a former Attorney General -- was officially established in 1974 to organize the research materials available in the Attorney General's Office. The library maintains a basic collection that includes key books and journals, legislative materials, and the opinions of the S.C. Attorney General dating back to 1870. In addition, extensive online research is available to all Office attorneys at their desks and has replaced subscriptions for most materials.

#### ***Support Services Section***

The Support Services Section provides the Office with other essential services. These include printing, copying, purchasing,

court records, court errands, office supplies, errands, maintenance and repair of equipment, and mail services.

### **Records Section**

The Records Section maintains records of all cases handled by the Attorney General's staff, opens new files and closes files. Records retention of more than 3,000 cartons of records is coordinated with the State Records Center. The Section received the 1997 award by the State Archives for an outstanding agency records program.

## **THE FINANCE DIVISION**

The Finance Division prepares the budget, receives and disburses funds, manages the cash flow of the Office, and prepares applications for grants.

The staff of the Finance Division solicits grants to support programs administered by the Attorney General's Office. Such grants help defray the cost of key services that benefit the people of South Carolina.

### **The State Grand Jury Clerk's Office**

This office serves the State Grand Jury as a clerk of court 's office serves a general sessions court, maintaining all records relevant to the conduct of trials and legal matters under the jurisdiction of the State Grand Jury.

## **INFORMATION TECHNOLOGY DIVISION**

The Information Technology Division serves a number of constituencies, including the people of South Carolina, law enforcement agencies, public officials, and the staff of the Attorney General's Office. The Division's services include the following:

The development and maintenance of the Attorney General's website, [www.scattorneygeneral.com](http://www.scattorneygeneral.com). This website, designed to serve the general public, was established in 1999. Its content is routinely modified to provide timely information to the citizens of South Carolina. The site contains information on a variety of subjects, including:

general information about the Attorney General's Office, including a history of the Office; information for citizens on the detection and reporting of Medicaid fraud; information about legal settlements and agreements benefiting consumers, as well as links to sites that offer citizens additional information on how they may participate in ongoing class-action settlements; a link to the Sex Offender Registry, which enables South Carolina parents to determine if a convicted sex offender is living in their neighborhood; information on insurance fraud and how to report it; a link to the Internet Crimes Against Children

website, which is provided by the Attorney General's Office to teach Internet safety and help protect our children online; the South Carolina Registry of Missing Children, a list of photographs and other information pertaining to missing children, as well as a link to the National Center for Missing and Exploited Children; the list of "Stop Violence Against Women" services; information about the Attorney General's Youth Mentor program; information on the purchase of securities, including tips to avoid exploitation by unscrupulous and unauthorized agents and brokers; information on the S.C. Meth Watch program and its training conference schedule; information regarding the Tobacco Master Settlement Agreement, including a directory of companies authorized to do business in South Carolina; and news and press information, including instructions in how to subscribe to a published newsletter.

The Information Technology Division manages the agency's Intranet site, MYAG. This electronic forum is used to provide online versions of frequently used manuals, forms, and lists. Employee handbooks, organizational charts, telephone listings, and multiple administrative forms are maintained electronically, thereby saving the agency substantial costs by eliminating the need to mass-produce and distribute frequently changing information.

One of the Information Technology Division's primary goals is to provide a secure network to all staff. To facilitate their work, each employee is provided with a PC, equipped with the following applications:

An office productivity suite, including a word processor, spreadsheet, and presentation application; Internet access; online legal research tools, and a customized case management application for tracking all case-related information.

Depending on the division to which an employee is assigned, additional software may be required. (For example, the Office uses a number of small database applications for inventory, mail logs, opinions' files, etc.) And all staff members are provided with a variety of training opportunities to learn about the standard core of applications supported.

The Division is also responsible for maintaining all Office hardware, including: office computers, printers, scanners, fax machines, and other in-house technology; the office telephone system; technology assigned to individual staff members for mobile use, such as laptops, cellular phones, and pagers.

#### **PUBLIC RELATIONS OFFICE**

The Public Relations Office acts as a liaison between the Attorney General's Office and its various constituencies, which include the citizens of South Carolina, members of the General Assembly and other elected officials, representatives of the media, state agencies, and officials from other states and the federal government.

Office staff members answer inquiries from the general public and provide assistance. They also schedule press

conferences, draft and send out press releases, and otherwise provide the media with information about the activities of the Attorney General and members of his staff.

**THE OPINIONS DIVISION**

One of the more important functions of the Attorney General's Office is providing legal advice to the Governor, members of the General Assembly and other public officials. Often this advice is given in the form of a written opinion. Opinions dealing with matters of significance to South Carolinians statewide are reviewed and signed by the Attorney General. Other opinions are signed by staff members of the Opinions Division.

Table of Accomplishments

**CHART III**

**Caseload Statistics for the Attorney General's Office  
for the Past Three Fiscal Years**

Note: Some categories appear in only one year or two years and not in all three. These are few in number; and for the most part, comparisons are statistically useful.

	FY '05	FY '04	FY '03
Administrative Procedures			
Act Matters	54	61	58
Agency Instituted Suits	3	11	17
Agency Legal Advice	18	27	30
Amicus Briefs	34	70	68
Antitrust	26	22	22
Attorney Grievance Investigation	1	1	1
Bankruptcy	7	3	4
CA - Anders	497	471	---
CA -- Death Penalty	61	56	59
CA - Pending	332	257	---
CA -- Sexual Predator	3	4	9
Charitable Solicitation	34	34	35
Charitable Trust	159	175	197
Child Pornography	2	2	1
Collections	2	3	3
Condemnation	---	1	1
Constitutional Test	14	17	23
Construction Matters	---	1	1
Consumer Fraud Investigation	8	7	9
Consumer Fraud Litigation	7	9	8
Contempt Proceedings	---	---	2
Contract Matter	4	6	8
Criminal Appeals	309	742	1,397
Criminal Appeals -- Murder	187	196	235
Criminal Investigations	3	9	7

Criminal Domestic Violence	698	393	42
Criminal Domestic Violence II	1	2	---
Criminal Domestic Violence (HAN)	9	19	20
Criminal Prosecutions	22	32	40
Criminal Sexual Conduct	1	5	8
Damage Suit v. Agency	4	3	6
Declaratory Judgments	27	34	37
Defense of Public Employees (1983 Act)	11	14	15
Dog Fighting	44	25	---
Drug Forfeiture	2	1	1
Elections	16	7	12
Environmental/Health	5	8	22
Environmental Prosecution	3	3	6
Escheatments	---	---	1
Extraditions/Detainer	64	83	99
Federal Litigation	3	3	4
Federal Habeas Corpus (FHC)	400	479	607
FHC--Death Penalty	17	19	21
Forfeiture/Foreclosure	275	255	171
Freedom of Information	4	4	9
Gambling	34	29	24
General Prosecution	351	295	299
Global	---	2	1
Injunctions	7	9	14
Insurance	8	13	9
Insurance Fraud/Investigation/ Litigation	990	907	824
Labor (including OSHA)	---	2	3
Medicaid Fraud Investigation/ Litigation	351	361	261
Monitoring of Case	28	36	46
Office Administration	---	1	2
Opinions	107	112	151
Other	14	19	24
Other -- Civil	100	110	194
Other -- Criminal	16	22	44
Other/Death Penalty	9	11	7
Parole	---	7	8
Patient Abuse	810	875	745
Personnel (Grievance/Retirement)	---	20	21
Post Conviction Relief Appeal	1,615	1,479	1,548
PCR Death Penalty Appeal	22	22	17
PCR Death Penalty	56	61	59
PCR SGJ	3	4	---
Post Conviction	4,516	4,517	4,782
Professional Disciplinary	27	25	26
Prosecutors Review	76	50	78
Real Property	5	10	17
Recipient Fraud Investigation	219	---	---
Recipient Fraud Prosecution	26	---	---
Review of Legislative Regs, etc.	2	2	2
Second Injury Fund	1	2	2
Securities Investigation Cases	36	28	48

Securities Regulation	3	3	5
Sexual Predator Reviews	2	2	4
State Grand Jury -- Criminal Appeals	12	12	22
State Grand Jury - Drug Forfeiture	---	1	---
State Grand Jury -- Criminal Prosecution	15	69	518
State Habeas	45	37	13
SGJ Special Investigations	2	---	4
SVP Act	160	235	288
Tidelands	33	19	39
Tort Claims	8	10	13
Unfair Trade Practices	12	7	7
Unknown	30	53	57
Unlawful Practice of Law	7	13	19
Unlawful Use of Telephone	---	1	---
Victim Assistance Reports	3,695	3,996	3441
Victim Services DP	54	57	65
Voting Rights Matters	16	16	17
Vulnerable Adult	1	5	---
Wildlife	---	1	1
Wills, Trusts, Estates	181	181	181
Workman's Comp.	1	1	1
<b>Totals</b>	<b>17,143</b>	<b>17,329</b>	<b>17,279</b>

Another means of measuring our performance level and trends is by comparing the goals established at the beginning of the previous fiscal year with our accomplishments during that period. The following is a summary of the results of that comparison.

#### 1. *Domestic Violence Prosecution*

The Federal Violence Against Women Act (1994) was the first National legislation to specifically target Criminal Domestic Violence (CDV) and other abusive behaviors toward women. Through the Violence Against Women Act, a grant was established in the Department of Justice.

The South Carolina Office of the Attorney General established the S.T.O.P. Violence Against Women program in 1996 with monies the VAWA grant provided. Within the program there is a Special Prosecutor, a Program Coordinator and a Technical Assistant.

The primary goal of the S.T.O.P. program is to educate Law Enforcement, Judges and Prosecutors on CDV - its causes, consequences and laws pertaining thereto. Therefore, the Office of the Attorney General through the S.T.O.P. program hosts several trainings throughout the year and across the Palmetto State. Employees of the program quite regularly give speeches at other trainings or seminars in the state, as well.



In addition, the Office hosts an annual Silent Witness ceremony to remember the CDV homicide victims from the preceding year. It is important that the State of South Carolina and the Nation understand what a significant problem Criminal Domestic Violence is to our communities.

Finally, the S.T.O.P. Violence Against Women program acts as a clearinghouse for CDV statistics. The South Carolina Law Enforcement Division graciously provides this office with data necessary to bring to the attention of the public the growing need for strong action against domestic violence.

**Pro Bono Program:** The Attorney General's Pro Bono program is designed to place pro bono prosecutors in magistrate and municipal courts with the goal of substantially increasing first and second offense convictions for criminal domestic violence (CDV). In 2004-2005, the program continued to recruit new pro bono prosecutors and to increase the number of CDV cases prosecuted and the number of convictions primarily obtained in three jurisdictions: Orangeburg and Kershaw Counties and the City of Columbia.

As of September 1, 2005, the program coordinators reported the following achievements: Eighty-five pro bono attorneys have been trained to participate in the program, an increase of 59 over the previous year's total. The total number of cases prosecuted was 861, as opposed to 441 the previous year.

Of those cases, the outcomes are as follows: **Kershaw County** - 88 guilty verdicts, 18 not guilty verdicts, 16 cases dismissed, and 0 cases sent to General Sessions Court; **Orangeburg County** - 268 guilty verdicts, 130 not guilty verdicts, 29 cases dismissed, and 1 case sent to General Sessions Court; **City of Columbia** - 166 guilty verdicts, 46 not guilty verdicts, and 8 cases sent to General Sessions Court. The total: 522 convictions, as opposed to 303 a year ago; 194 acquittals, as opposed to 85 last year; 40 dismissals, as opposed to 25 last year; and 1 sent to General Sessions Court, as opposed to 10 last year. The program has also expanded into York County.

During FY 2004-2005, the Office sent out six grant proposals asking for federal assistance to expand or strengthen the Pro Bono Program. The largest of these asked for \$900,000 over a two-year period to expand the program into seven rural counties. The Justice Department announced recently that we had been awarded this grant.

## 2. Environmental Crime - State Grand Jury

Under previous state law, the State of South Carolina did not have the necessary tools to investigate and prosecute environmental crimes. These crimes were typically prosecuted in the federal system because of the ability to utilize the federal grand jury to compel testimony and subpoena documents, a necessary element for prosecution.

Overseen and operated by the Attorney General, the state grand jury is currently authorized to investigate and prosecute (1) drug offenses, (2) obscenity, (3) public corruption, (4)

election fraud, (5) computer crimes, (6) terrorism, (7) securities fraud and now (8) environmental crimes. The state grand jury operates like a federal grand jury. It has unique statutory safeguards; it operates in secret to protect the innocent. It can compel testimony and subpoena records, documents and evidence.

The Attorney General's goal worked for passage of legislation through the General Assembly that gave the State Grand Jury the same authority to subpoena witnesses and documents and prosecute criminal environmental crimes.

The new law requires that the perpetrator must commit a "knowing, willful and criminal" violation of the law, which results in over \$2 million in anticipated damages to be certified by an independent engineer hired by the Department of Health and Environmental Control. It prevents prosecution of innocent employees or employers due to the willful criminal actions or accusations of disgruntled employee(s) and prevents duplicate prosecution by the state if a federal conviction or acquittal has occurred for similar environmental crimes.

The law requires DHEC to be substantially and integrally involved in the investigation and requires the Commissioner of DHEC to consult with and, after investigation, provide a formal written recommendation to both the Attorney General and the Chief of SLED. The Commissioner's written recommendation must be provided to the Chief Administrative Judge along with the petition requesting state grand jury empanelment.

### 3. Meth Watch Program

Sponsored and operated by the Attorney General's office, S.C. Meth Watch is a voluntary education, training and public visibility program involving law enforcement and retailers designed to deter the theft or illegal purchase of common household products used in the illicit manufacture of methamphetamine.

In FY 2005, the Attorney General's Office applied for and received a \$100,000 grant from CHPA to monitor the sale of ingredients used in the manufacture of methamphetamine. In cooperation with the South Carolina Pharmacy Association, the South Carolina Retail Association, the South Carolina Association of Convenience Stores, and other businesses, organizations, and government agencies, the Office put in place a system designed to detect large purchases of such substances as pseudophedrine, an effective cold remedy that is also a key ingredient of methamphetamine.

The program, now fully operational, offers semi-annual training seminars, both in Columbia and in other locales throughout the state. It also distributes literature on the subject and maintains a database ([www.scmethwatch.com](http://www.scmethwatch.com)) that also offers information on the subject.

Training videos and materials have been provided to participating retailers, and they have been trained in seminars conducted by the Attorney General's Office. Store items commonly

used in the manufacture of meth are identified and marked with shelf tags, indicating that they are monitored merchandise. Employees are trained by management to recognize common characteristics of Meth abusers and the combinations of items they are likely to purchase or attempt to steal.

Also part of the S.C. Meth Watch program, law enforcement officials around the state have also been trained in the S.C. Meth Watch program's series of seminars to expect calls from retailers that may contain valuable information that could lead to arrests.

#### 4. The Prosecution of Internet Crimes

The South Carolina Task Force is part of a federal Department of Justice ICAC network dedicated to assisting state and local law enforcement agencies' efforts to combat child cyber enticement and child exploitation. Locally, it is operated by the Attorney General's Office in partnership with the State Law Enforcement Division and the South Carolina Computer Crimes Center.

Using the Internet predator law passed by the General Assembly last year, the Attorney General and the ICAC Task Force have aggressively investigated and prosecuted child cyber enticement cases. The law makes it a crime to stalk, lure or entice a child for abduction or sexual assault.

In return, local law enforcement agencies will conduct proactive undercover Internet predator sting operations. As part of the agreement, the Attorney General's Office will prosecute the Internet predator cases with the local Solicitor prosecuting other child exploitation crimes.

The office is now expanding the ICAC task force partnership to include local law enforcement agencies, with the Attorney General's Office providing assistance with federal ICAC funding, training and resources. The Office signed two Memorandums of Understanding (MOUs) with local law enforcement agencies during FY 2004-2005 and plans to sign several more in 2005-2006, thereby creating a greater need for additional prosecutorial assistance. These MOUs are agreements between city and county law enforcement agencies and the Office allocating investigative assistance from local officers in exchange for assistance from the Office in obtaining the training and equipment necessary to conduct undercover investigations.

In addition, becoming a member of the SC ICAC Task Force enables local law enforcement personnel to attend national training sessions they may not otherwise find available and ensures all ICAC investigations are conducted in accordance with national standards.

#### 5. Dog Fighting-Drug Trafficking Prosecution

The Attorney General has been at the forefront of the crackdown on animal abuse and has made commendable strides on the dog-fighting front. The Attorney General, the State Law Enforcement Division Chief Robert Stewart, and animal humanitarian groups are participating in a statewide initiative aimed at combating dog fighting and the drug trafficking that often goes hand in hand with the illegal sport. Dog fighting is a felony offense, § 16-27-30, punishable by a mandatory five years imprisonment or a mandatory fine of \$5,000, or both.

Humanitarian groups in the state recently volunteered to fund a SLED agent and an assistant attorney general dedicated to investigating and prosecuting dog and animal fighting and dog-fighting-related drug cases. SLED and the Attorney General have assigned an investigator and prosecutor respectively to work these cases.

As a consequence of this initiative, a major promoter of this inhumane sport was indicted on 44 counts of animal fighting. The trial took place in November of 2004; and after several days of testimony, the defendant pled guilty as charged and was sentenced to 40 years imprisonment.

## 6.The Securities Division

As the state's Securities Commissioner, the Attorney General oversees and regulates the sale of securities in the state, investigates allegations of fraud or other violations of securities laws and takes appropriate enforcement action; and provides information on securities laws and practices. In 2005, the General Assembly authorized the office to increase the amount of fines retained to \$750,000, as a means to fund additional enforcement, investigative and prosecutorial personnel.

The office sought this increase in securities fine retention to partially defray the prosecution and criminal trial costs incurred in the investigation and prosecution in the matter of an Upstate financial institution, as well as, others anticipated in the future.

In FY 2004-2005, the Securities Division reported the registration of 1,771 broker-dealers, up from some 1,600 for the previous fiscal year; 92,014 broker-dealer agents, up from approximately 87,000; 710 investment advisers, up from 200; and 2,618 investment-adviser representatives prior to their transacting business in this state during FY 2004-2005, up from 2,600;

The Division performed audits on broker-dealers and investment advisers; registration of approximately 110 securities offerings each year; receipt of disclosure materials from approximately 625 issuers each year; formal confirmation of exemptions for approximately 180 issuers each year; receipt of appropriate materials and notice filings of approximately 8,100 mutual funds and unit investment trusts; investor-education outreaches to targeted groups in the community; and support of an equitable, competitive, and efficient securities industry that contributes to the economic health of the state and its citizens.

## 7. The Prosecution/Insurance Fraud Section

In FY2005 the General Assembly pledged \$400,000 to the state Attorney General's office budget to fight insurance fraud. The Office added six more prosecutors to a division with only one to oversee some 600 cases a year.

In FY 2004-2005, the Prosecution/Insurance Fraud Section investigated and/or prosecuted 990 cases of attempted or actual fraud, up from 907 cases during the previous fiscal year. This is a significant achievement, given the fact that, in 2004, the Coalition Against Insurance Fraud announced that South Carolina led the nation in fighting insurance fraud for the previous year.

### **7.3 What are your performance levels for the key measures of financial performance?**

The financial performance levels we set for ourselves are to manage day to day operations with a cost-benefit perspective, to stay within the budget assigned to our Office by the General Assembly, and to maximize for the people of South Carolina as many fines, fees, and forfeitures as we can, given the staff we are allowed.

### **7.4 What are your performance levels and trends for the key measures of Human Resource Results?**

Our performance levels for the key measures of Human Resource Results are derived from the performance measures listed elsewhere in the report, including formal evaluation, a rating system, and the informal interaction of all segments of the Office community. As for employee satisfaction and well-being, it is difficult to set levels based on conventional measures such as retention rate and exit questionnaires, since - unlike other agencies - the Attorney General's Office serves as a training ground for young attorneys to enter the legal profession. The diversity of staff is the result of these factors, as well as a process of natural selectivity that has produced wide gender diversity and racial diversity as well. In addition, minorities hold several top managerial positions.

### **7.5 What are your performance levels and trends for the key measures of regulatory/legal compliance and community support?**

As the legal arm of State government, the Attorney General's Office has a special obligation to respect all applicable laws and regulations - federal, state, and local. Those who enforce statutes must maintain a higher performance level than those who merely live under them, if only to establish a standard for the community.

As noted elsewhere, in addition to our role in the criminal justice system, we also contribute to the community by supporting a number of charities and by sponsoring such events as our

memorial service for women who have died as the result of criminal domestic violence.

This year we are applying for a grant that will enable us to produce and air Public Service Announcements warning South Carolina investors of shady and illegal practices in the securities market place. Our website also provides the public with information on a variety of subjects relevant to the mission of our Office.

It is difficult to measure trends in these areas. However, in addition to LawBase and other formal instruments of evaluation, some informal indicators are perhaps significant. We have always met our United Way quota, which has increased over the years; and the Office monitors our website to note the increase in hits. If our grant application is successful, we would expect a substantial increase in the number of investors seeking information from our Securities Division.